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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,596	10/28/2003	Phillip Jeffrey Bloom	SYAR-100	5364
22859 7590 12/04/2009 INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET, SUITE 4000 MINNEAPOLIS, MN 55402			EXAMINER TOPGYAL, GELEK W	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,596	Applicant(s) BLOOM ET AL.	
	Examiner THAI TRAN	Art Unit 2621	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12, 14-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-10, 14-24 and 30 is/are allowed.
- 6) ☒ Claim(s) 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 26-29, claims are written in such a manner that the method is not tied to any statutory apparatus. For example, selecting a stream of video and audio data could be done by a person in a store with several televisions displaying different channels or recordings. Measuring time-varying acoustic features of a selected duration of the audio data could be done by the person thinking "this commercial is too loud." Populating a database with those measurements could be done by writing those measurements in a journal. The Examiner recommends an inclusion of selection, measurement, and database population means or apparatus to overcome this rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Coden et al (6,816,858).

Regarding claim 26, Coden et al disclose a method of processing audio data, comprising the steps of:

- selecting from a stream of streamable data representing synchronously streamable sound and- motion synchronized moving picture video and audio data, scene data representing a portion of said stream of the streamable data (Col 6, lines 14-16 "A real time feature extractor 12 receives as an input a live television audio/visual broadcast [information stream] from an audio/visual source");
- measuring position durations of and intervals containing audible time-varying acoustic features of a selected duration of the audio data (Col 6, lines 26-28 "a speech recognition module 12A transcribes the audio signal into English"); and
- populating a database with scene data and measurements selected from and measured in the scene data (Col 7, line 64 – Col 8, line 4 "The output events from the analyzers 14 are stored, in a presently preferred embodiment, on a linked list data structure, referred to herein as the knowledge chain 16...The events themselves can then be stored in a database").

Regarding claim 27, Coden et al disclose a method of processing audio data comprising deriving from the audio data in the scene data, feature data representative of audible time-varying acoustic features of the audio data (Col 6, lines 26-28 "a speech recognition module 12A transcribes the audio signal into English"); and

- populating the database with said feature data (Col 7, line 64 – Col 8, line 4 “The output events from the analyzers 14 are stored, in a presently preferred embodiment, on a linked list data structure, referred to herein as the knowledge chain 16...The events themselves can then be stored in a database”).

Regarding claim 28, Coden et al disclose a method of processing audio data comprising creating text data relative to said scene data (Col 6, lines 26-28 “a speech recognition module 12A transcribes the audio signal into English” and Col 6, lines 38-41 “the speech recognition module 12A, which may be referred to simply as the speech module, takes an audio signal or file as input and produces a speech transcript [ASCII TEXT]”) and populating said database with said text data (Col 7, line 64 – Col 8, line 4 “The output events from the analyzers 14 are stored, in a presently preferred embodiment, on a linked list data structure, referred to herein as the knowledge chain 16...The events themselves can then be stored in a database”).

Regarding claim 29, Coden et al disclose a method of processing audio data comprising extracting still data representative of static video data from said scene data (Col 6, lines 44-46 “the OCR module 12C that takes the video as input and determines any text which may be present” and Col 6, lines 51-55 “The face module 12D takes the video as input and determines the number of faces and possibly the identities of the persons themselves. The outputs of the OCR module 12C and the faces module 12D may also be ASCII TEXT”), and populating said database with said still data (Col 7, line 64 – Col 8, line 4 “The output events from the analyzers 14 are stored, in a presently

preferred embodiment, on a linked list data structure, referred to herein as the knowledge chain 16...The events themselves can then be stored in a database").

Allowable Subject Matter

4. Claims 1-4, 6-10, 14-24 and 30 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI TRAN whose telephone number is (571)272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12 May 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621